

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

JUN 30 2004

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte JEFFREY S. MAILLOUX,  
KEVIN J. RYAN, TODD A. MERRITT  
and  
BRETT L. WILLIAMS

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Application 08/984,562

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received at the Board of Patent Appeals and Interferences on May 25, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below.

On November 5, 2003, an ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER was mailed (Paper No. 36) which requested that the examiner determine the status of claim 63 and, if appropriate, include claim 63 in the "Grouping of Claims" appearing on page 3 of the Examiner's Answer mailed June 3, 2003 (Paper No. 32). On February 23, 2004, a Supplemental Examiner's Answer was mailed (Paper No. 37) which addressed the above deficiencies. On March 26, 2004, appellants filed a SUPPLEMENTAL (sic) REPLY BRIEF UNDER 37 CFR 1.193(b) (Paper No. 38). The record does not contain a response from the Examiner stating whether the Supplemental Reply Brief has been entered, and if entered, what effect the Supplemental Reply Brief has on the pending rejections. Section 1.193(b)(1) of the Code of Federal Regulations (2003) states:

(b)(1) Appellant may file a reply brief to an examiner's answer or a supplemental answer within two months from the date of such examiner's answer or supplemental answer. . . . The primary examiner must either acknowledge receipt and entry of the reply brief or withdraw the final rejection and reopen prosecution to respond to the reply brief.

Application 08/984,562

Accordingly, it is

ORDERED that the application is returned to the  
Examiner:

1. for proper response to the Supplemental Reply Brief  
filed March 26, 2004 (Paper No. 38); and
2. for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

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